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inner meaning of our political and legal illusions will go far toward putting us on the right course of legal betterment. Jhering's theory of law as a means to an end, that end being the protection of the interests of the individual by forces of society, might well be turned to a practical application by our own courts at the present time. Although Berolzheimer criticises this theory of Jhering as being philosophically inadequate (cf. p. 350) he substitutes for it a philosophic theory that is even more far reaching in its practical outcome; namely, that government law and morality are cultural forces (p. 351) and should be made to subserve practical ends. "If the philosophy of law is to be fruitful it must become a practical discipline; must provide norms of human action. The Hegelian view, as an expression of culture, must be supplemented by considering that the purpose of culture, including the cultural aspects of law and ethics, is to increase human efficiency." (p. 427).

This volume should be read first of the series by those who want an introduction to German legal thinking and philosophic phraseology. The style of the original is extraordinarily lucid and the translation is most admirable.

J. H. D.

A HISTORY OF ROMAN LAW, WITH A COMMENTARY ON THE INSTITUTES OF GAIUS and JUSTINIAN. By Andrew Stephenson, Ph.D., Professor of History in De Pauw University. Boston: Little, Brown, and Company, 1912, p. xviii, 513.

The author tells us in his preface that this volume is the outcome of a series of lectures given to advanced college students who were specializing in history. It is arranged on the ordinary plan of books of its class with the major portion (307 pages) devoted to the history of law and the remainder to an outline of the system of private law as given in the Institutes of Gaius and of Justinian. The historical part deals in the main with public law but gives short accounts of the institutions of the private law at the end of each period. The treatment of the system of private law seems somewhat meagre even for the needs of the student of history. It is not adequate for a beginner in the study of law. A useful bibliography is given in the list of authors cited and consulted. The modestly expressed hope of the author that the book may be found useful to students of history seems likely to be realized, though most professors of history would probably use it as collateral reading to their own courses of lectures.

J. H. D.

THE UPAS TREE. By Robert McMurdy, of the Chicago bar. F. J. Schulte & Company, Chicago and London, 1912. pp. 324.

It is no part of the business of this Review to comment upon novels in general, but this book, though in form a story, is written primarily as an argument against the infliction of capital punishment and it is therefore of interest to lawyers, especially in view of the present tendency to study and reform our criminal law. Capital punishment as a means of preventing crime is under fire. Several States during recent years, by constitutional provision,

have taken a stand against such punishment. This book presents the argument against the death penalty in graphic and striking manner. The hero of the story is a lawyer who becomes involved in a situation in which the circumstantial evidence points strongly to his having murdered a man under whose will he is a beneficiary. With much skill and verisimilitude, the author develops his plot so as to keep the reader in a state of suspense up to the time when, in pursuance of sentence duly inflicted, the hero is about to be hanged. He is saved at the last moment through a chain of circumstances largely fortuitous. At the end of the story appears a so-called confession of the hero which is in fact a compact and scholarly arraignment of capital punishment. No lawyer could read the book without becoming much interested not only in the "moral of the tale" but also in the trial and the appellate procedure following it.

H. M. B.